

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 21, 2006 PLANNING COMMISSION MEETING

P.A.S.: Co Special Permit #06035

PROPOSAL: A special permit to allow mining/extraction of soil.

LOCATION: The east side of N. 56th Street / Hwy 77 between Branched Oak Road and Davey Road.

WAIVER REQUEST: NA

LAND AREA: 159.39 acres more or less.

CONCLUSION: In conformance with the Comprehensive Plan and County Zoning.

<u>RECOMMENDATION:</u>

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 21, 22 and 24, located in the W1/2 of Section 28 T12N, R7E of the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Pasture and farming

SURROUNDING LAND USE AND ZONING:

North: Farm land, farm house, zoned AG Agriculture

South: Farm land , farm house, zoned AG Agriculture

East: Farm land, one house, utility substation zoned AG Agriculture

West: Farming, Hwy 77, cemetery and two farm dwellings, zoned AG Agriculture

ASSOCIATED APPLICATIONS: None

HISTORY: Planning Commission recommended Denial, 5-4, on May 10, 2006 to a mining permit at this location (CO. SP 06029). The applicant withdrew that application on May 12, 2006. Changed from AA Rural and Public Use to AG Agricultural in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Agriculture. This is outside the Lincoln Growth Tiers.

UTILITIES: none.

TOPOGRAPHY: Rolling, with a north south ridge line draining east and west.

TRAFFIC ANALYSIS: N 56th / Hwy 77 is a four lane divided Federal Highway. Davey Road and Branched Oak Road are county gravel roads.

PUBLIC SERVICE: This is in the Ceresco Rural Fire District (BLS-5 miles distant), Waverly School District # 145 and Norris Public Power District.

REGIONAL ISSUES: NA

ENVIRONMENTAL CONCERNS: There are no identified Historic resources. There is no FEMA floodplain shown. Cemetery west across the street. The soil rating on this land is 4.67 on a scale of 1 to 10 where 1 to 4 are prime soils. This is not prime, but very good, ag land. Testimony on the prior application on this site, indicated a private nature preserve to the south. There is no public record on this.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: farming and up to 7 dwellings.

ANALYSIS:

1. This request is for soil excavation on a 159 acre site, under the provisions of Article 13.001(14) " Mining, extraction of sand, gravel or other raw material and storage and processing thereof in the "AG" and "AGR" Districts. The land surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the County Board".
2. The County Engineer's memo of May 25, 2006 indicates that the applicant shall submit a soil erosion plan to control runoff. Maintenance and repair of county roads shall be the responsibility of the applicant and access is preferred to be limited to existing access to Highway 77.
3. Health Department noted that off site dust emission be in accordance with Lincoln-Lancaster Air Pollution Regulations.

4. Norris Public Power notes there is a power line easement adjacent to Branched Oak Road. Grading shall not be lowered along the easement.
5. The applicant addressed the listed conditions of the county special permit conditions (Article 13.001 (14)) and some of the Lincoln special permit application conditions (27.63.360 and 27.63.160)(note; the Lincoln standards do not apply but are used as a good guideline for review) as follows;
 - a) A grading map showing existing and proposed contours is provided showing a general leveling of the land with up to 26 foot cuts, no fill and 1,300,000 cubic yards of soil removed. (The prior application had 41 foot cuts, 28 foot fill and a net of 1,599,185 cubic yards of soil removed).
 - b) Effect on groundwater; not addressed
 - c) Vehicle storage areas; not addressed
 - d) Erosion controls; The applicant notes that design standards for erosion control and sedimentation will be complied with. The proposed pond will be used to catch sediment.
 - e) The surface shall be maintained so surface water is not collected or ponded other than the designed catch ponds. Not addressed
 - f) Topsoil shall be stripped and kept on site for redistribution at the conclusion of the extraction process. Not addressed.
 - g) Cuts will be returned to a slope of less than 3 to 1 and seeded after extraction. Scaling off the map indicates slopes of 3 to 1 or flatter.
 - h) Soils and topography shall be graded and seeded after extraction. Applicant note this is final grade but does not note seeding.
6. A time limit for excavation permits has typically been applied. Three years is recommended for this application. Re-application will be required if it exceeds the permitted time limit.

CONDITIONS:

1. This approval permits mining for a soil, sand and gravel excavation operation for a period of three (3) years from the date of approval of this special permit.

General:

2. Before beginning excavation operations:

2.1 The permittee shall have

2.1.1 Received review and permits, if required, for the Federal NPDES and 404 Permits.

2.1.2 Any required driveway permits for access on to Hwy 77 shall be approved by the Nebraska Department of Roads.

2.1.3 Any access to County Roads shall have approval of the County Engineer and an agreement on road maintenance.

2.2 The construction plans shall comply with the approved plans.

2.3 An erosion control plan shall be approved by the Lower Platte South NRD.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

3.1 All privately-owned improvements shall be permanently maintained by the owner.

3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

3.3 The County Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

DATE: May 30, 2006

APPLICANT: Greg Sanford
3025 N 35th Street, Ste 3
Lincoln, NE 68507
402-466-1759

OWNER: Greg Sanford

CONTACT: Mark Hunzeker
1045 Lincoln Mall
Lincoln, NE 68508
(402) 476-7621

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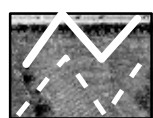
County Special Permit #06035 Highway 77 & Davey Rd

2005 aerial

Zoning:

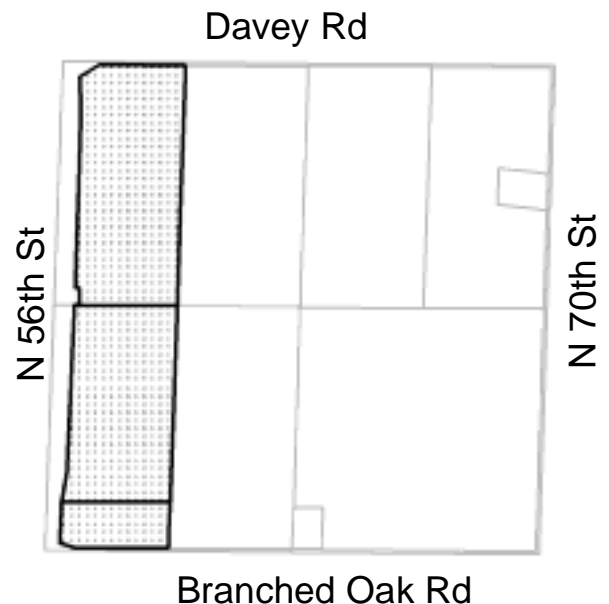
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 28 T12N R07E



Zoning Jurisdiction Lines

City Limit Jurisdiction



GRADING PLAN
SCALE 1" = 100'

HWY 77 NORTH

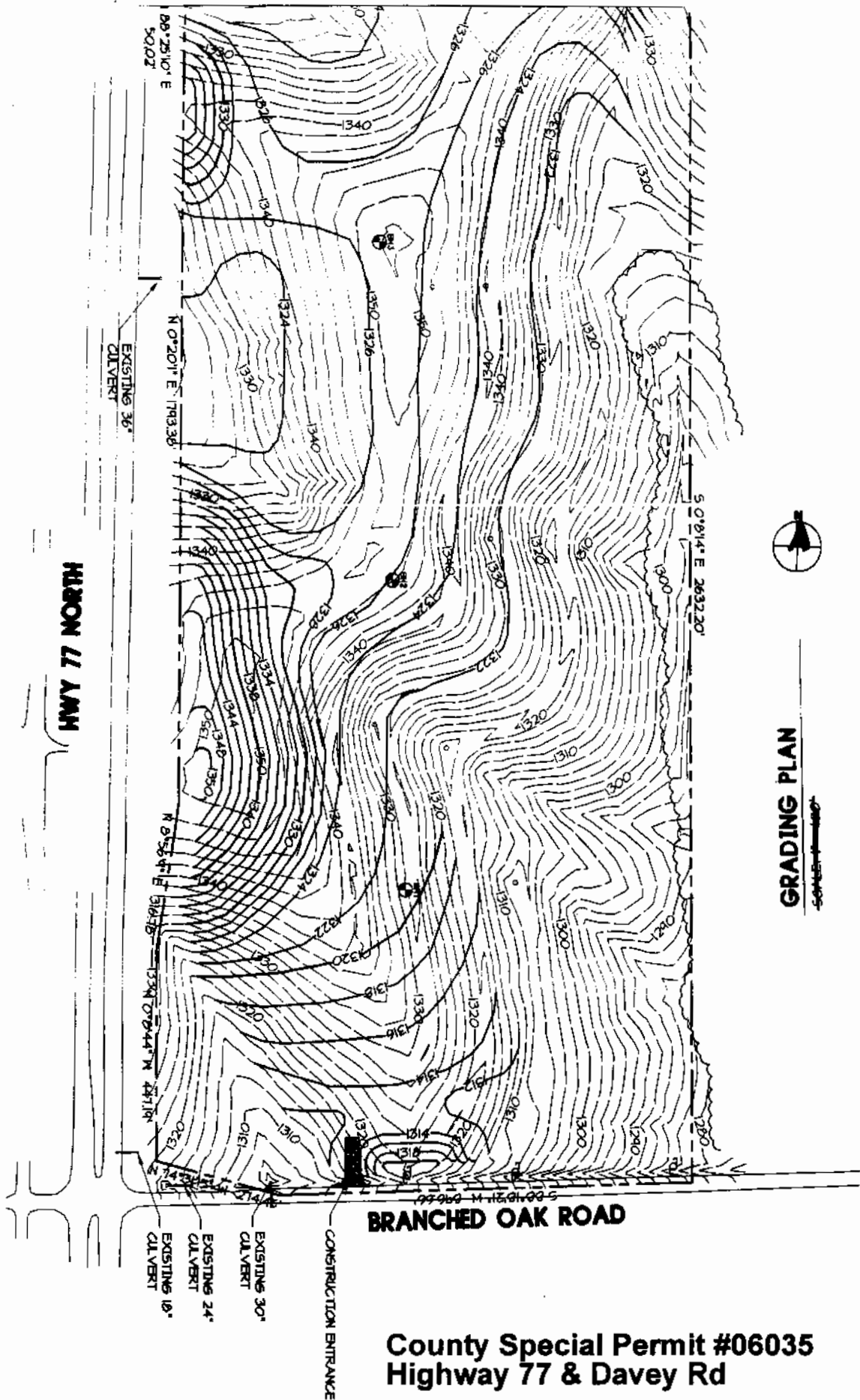
DAVEY ROAD

BRANCHED OAK ROAD

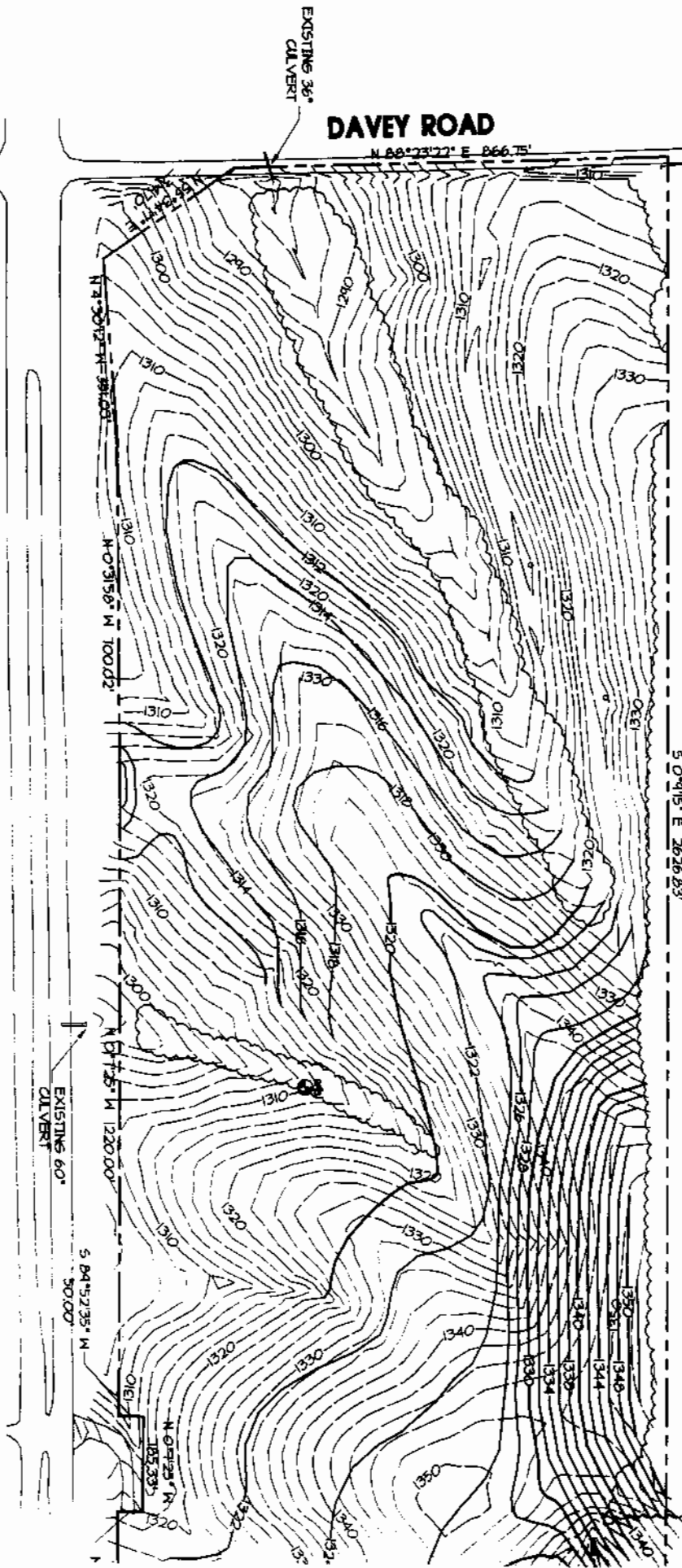
County Special Permit #06035
Highway 77 & Davey Rd



GRADING PLAN



HWY 77 NORTH



County Special Permit #06035
Highway 77 & Davey Rd

GENERAL NOTES

1. ALL CONTOUR LINES, GROUND, FLOOD PLAIN AND MINIMUM OPENING ELEVATIONS SHOWN ARE BASED ON NAVD '88.
2. ALL CURVILINEAR DIMENSIONS SHOWN ARE CHORD LENGTHS UNLESS NOTED.
6. 3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
4. TREE MASSES WITHIN THE SITE ARE DECIDUOUS AND CONIFEROUS. THE DEVELOPER AND/OR ASSIGN RESERVE THE RIGHT TO REMOVE AND/OR RELOCATE TREES WITHIN THE LIMITS OF THE SITE. TREES WITHIN THE GRADING LIMITS SHALL BE REMOVED.
5. CONTOURS SHOWN ARE TO FINISHED GRADE.
6. APPROX. GRADING QUANTITIES:
CUT: 1,300,000 CY
FILL: 0

MAXIMUM CUT 26 VERTICAL FEET

**County Special Permit #06035
Highway 77 & Davey Rd**

RECEIVED

MAY 19 2006

LINCOLN CITY/LANCASTER CO.
PLANNING DEPARTMENT

Pierson|Fitchett
LAW FIRM

1045 Lincoln Mall
Suite 200
P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

Gary L. Aksamit
of Counsel

May 17, 2006

Marvin Krout, Director
City of Lincoln Planning Dept.
555 S. 10th Street
Lincoln, NE 68508

Re: Greg Sanford special permit

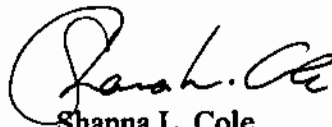
Dear Mr. Krout:

This letter is to certify that Greg Sanford is the owner of the property legally described as Lots 21, 22 and 24 in the West half of Section 28, Township 12 North, Range 7 east of the 6th P.M., Lancaster County, Nebraska.

The purpose of Mr. Sanford's special permit is to remove excess soil from the property and contour it appropriately pursuant to Article 13.01-14.

If you have any questions or require additional information, please feel free to contact Mark Hunzeker of this office.

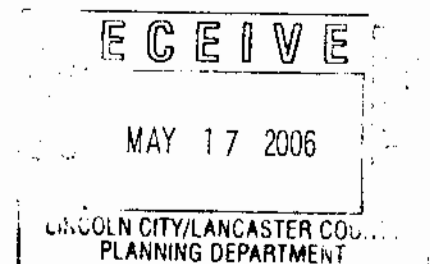
Sincerely,



Shanna L. Cole
For the Firm
scole@pierson-law.com

SLC:la

(G:\AF\5800-5899\5849.001 Sanford, Greg--Herrington Estate Purchase\Krout 4-12-06 ltr.wpd)



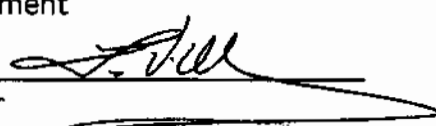
Pierson, Fitchett, Hunzeker, Blake & Katt

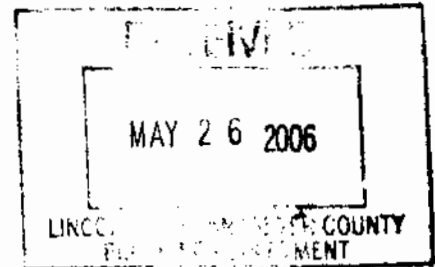
Lancaster
County

DON R. THOMAS - COUNTY ENGINEER

Engineering
Department

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: May 25, 2006
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: SPECIAL PERMIT #06035
SOIL EXCAVATION



Upon review, this office would have the following comments:

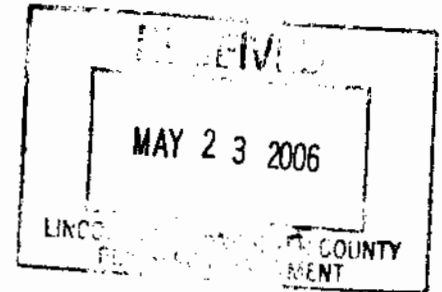
- 1) Applicant shall be responsible for maintenance of the County roads. Applicant shall repair any damages to the County roads, Should any occur. Would prefer access be limited to Highway 77.
- 2) Applicant shall submit a soil erosion plan to control any runoff from the property prior to grading operations.

LVW/bml
Special Permits & Other/Soil Excavation - Sanford #06035



AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090



Mike Dekalb, Project Planner
555 S. 10th St. #213
Lincoln, NE 68508

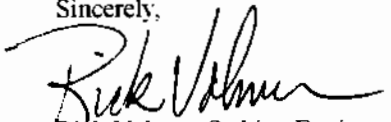
RE: Sanford- Remove Excess Soil

Dear Mike,

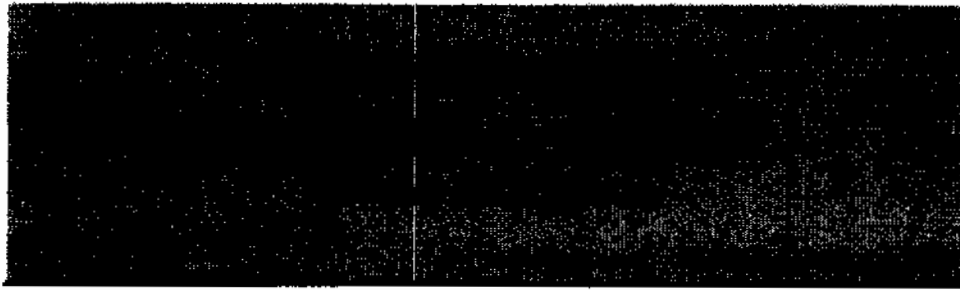
I have reviewed the proposed grading plan. The Norris District has an easement along the south $\frac{1}{2}$ of the southwest quarter of section 28, T 12N, R 7E for a 35 KV overhead subtransmission line. These poles are generally located on the north side of the north R.O.W. of Branched Oak Rd. We expect that no grading will be done within 20' of any of these structures. On the north side of section 28, we have a 12.5 KV underground line buried in easement as well. We would expect the existing grade not to be lowered anywhere along that easement.

Thanks for your consideration in this matter. If there are any questions, I can be reached at 423-3855.

Sincerely,



Rick Volmer, Staking Engineer



Status of Review: Complete

Reviewed By Building & Safety

Terry Kathe

Comments:

Status of Review: Approved

05/26/2006 2:01:19 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Mike DeKalb DATE: May 26, 2006

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Sanford - Remove

EH Administration Excess Soil SP #06035

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following noted:

During the mining process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Status of Review: Active

Reviewed By Lancaster County Sheriff Department

ANY

Comments:

Status of Review: Active

Reviewed By Natural Resources District

Any

Comments:
